### Role of the Ballot

#### The state is inevitable- speaking the language of power through policymaking is the only way to create social change in debate.

Coverstone 5 Alan Coverstone (masters in communication from Wake Forest, longtime debate coach) “Acting on Activism: Realizing the Vision of Debate with Pro-social Impact” Paper presented at the National Communication Association Annual Conference November 17th 2005 JW 11/18/15

An important concern emerges when Mitchell describes reflexive fiat as a contest strategy capable of “eschewing the power to directly control external actors” (1998b, p. 20). Describing debates about what our government should do as attempts to control outside actors is debilitating and disempowering. Control of the US government is exactly what an active, participatory citizenry is supposed to be all about. After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing. Absent that discussion and debate, much of the motivation for personal political activism is also lost. Those who have co-opted Mitchell’s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, “Of course not, but you don’t either!” The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchell’s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it “views fiat as a concrete course of action, it is bounded by the limits of pragmatism” (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which the relative efficacy of concrete political strategies for pro-social change is debated. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchell’s goals here should take care at such a blanket assertion. However, contest debate teaches students to combine personal experience with the language of political power. Powerful personal narratives unconnected to political power are regularly co-opted by those who do learn the language of power. One need look no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called role-playing that public policy contest debates encourage promotes active learning of the vocabulary and levers of power in America. Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place. I’m up against…their aversion to the role of public spokesperson that formal writing presupposes. It’s as if such students can’t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Today’s students’ lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57) The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. Simulation of success in the public realm is far more empowering to students than completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that “nothing they can do in a contest debate can ever make any difference in public policy.” Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. Imagining myself starting a socialist revolution in America is no less of a fantasy than imagining myself making a difference on Capitol Hill. Furthermore, both fantasies influenced my personal and political development virtually ensuring a life of active, pro-social, political participation. Neither fantasy reduced the likelihood that I would spend my life trying to make the difference I imagined. One fantasy actually does make a greater difference: the one that speaks the language of political power. The other fantasy disables action by making one a laughingstock to those who wield the language of power. Fantasy motivates and role-playing trains through visualization. Until we can imagine it, we cannot really do it. Role-playing without question teaches students to be comfortable with the language of power, and that language paves the way for genuine and effective political activism. Debates over the relative efficacy of political strategies for pro-social change must confront governmental power at some point. There is a fallacy in arguing that movements represent a better political strategy than voting and person-to-person advocacy. Sure, a full-scale movement would be better than the limited voice I have as a participating citizen going from door to door in a campaign, but so would full-scale government action. Unfortunately, the gap between my individual decision to pursue movement politics and the emergence of a full-scale movement is at least as great as the gap between my vote and democratic change. They both represent utopian fiat. Invocation of Mitchell to support utopian movement fiat is simply not supported by his work, and too often, such invocation discourages the concrete actions he argues for in favor of the personal rejectionism that under girds the political cynicism that is a fundamental cause of voter and participatory abstention in America today.

### Plan Text

#### Resolved: the United States federal government will ban private ownership of big boomer handguns.

### Advantage one is violence:

#### Big boomer handguns have the power of rifles; causes more crime and death to law enforcement officers.

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

1. Big boomers are rifle power designed into handguns. During the 1990 to 1999 period, 20 law enforcement officers were killed by gunshot wounds as a result of rounds penetrating their body armor. All of these rounds were fired from rifles. However, the big boomer handguns that are now being designed and marketed by the firearms industry have elevated the power of handguns to the level of rifles. Big boomers have thus become “vest busters” and present a deadly challenge to law enforcement body armor’s life-saving record. 2. Big boomers—a serious new threat to America’s public safety officers—are the gun industry’s latest attempt to stop its steady market decline. The American firearms industry has been sagging for decades. Although the industry enjoys brief periods of resurgence, the long-term trend for civilian gun manufacturers continues to be one of steady decline. In order to expand its customer base, the gun industry has tried to lure women and children into the “shooting sports.” For recent example, it has mounted a national campaign to get more children interested in hunting, for the most part by watering down hunter safety laws and regulations so that younger children can hunt. However, the principal means gun manufacturers use to rejuvenate their stagnant markets is design and marketing innovation aimed at introducing greater lethality into the civilian market. Within the last several years, the industry has introduced “big boomers”—handguns that fire ammunition that can penetrate the body armor that has saved the lives of thousands of law enforcement officers over the last three decades. This big boomer market trend is now established as a profit-maker that is “good for business.” The number of manufacturers who make big boomers is increasing and the models they manufacture are proliferating. 3. Big boomers are “vest busters.” They threaten to make obsolete the body armor that has saved thousands of officers’ lives. Body armor can stop handgun rounds, but it cannot stop handgun rounds with the penetration power of higher-powered rifle rounds. 4. The Violence Policy Center (VPC) reported in June 2004 on the armor-defeating potential of the first new big boomer, a 50 caliber magnum handgun introduced by Smith & Wesson in February 2003, the Model 500. This handgun was designed around a new cartridge called the .500 Smith & Wesson Magnum. The striking power of the .500 Smith & Wesson Magnum round substantially exceeds the protection level of the highest grade of concealable body armor normally worn by law enforcement officers in the field, known as Type IIIA. The Model 500 thus combines the convenience of a handgun with the vest-busting power of a rifle, a clear danger to law enforcement personnel. In the few short years since their introduction, 50 caliber magnums have already begun to show up in criminal episodes. 5. The .500 Smith & Wesson Magnum round, and the Smith & Wesson Model 500 handgun, illustrate how the gun industry’s singular freedom from consumer product health and safety regulation allows it to recklessly develop and market increasingly lethal products without consideration for public safety. In its earlier report, the VPC stated: “Following a well-established gun industry pattern of design and price competition, it is likely that other manufacturers will soon develop and market their own versions of handguns chambered for the .500 Smith & Wesson Magnum round....[T]he 500 Smith & Wesson Magnum will proliferate as other manufacturers market copies of the round and handguns chambered for it. Prices will fall and the threat to law enforcement officers will rise.” 6. The current study documents that the predicted proliferation has indeed occurred. Smith & Wesson and now other firearm manufacturers continue their reckless pattern of designing and introducing into the civilian market handguns that are almost certainly capable of defeating law enforcement body armor. In addition to introducing a more easily concealable model of its Model 500, Smith & Wesson has designed and begun marketing yet another handgun with vest-busting rifle power, the Model 460 XVR (Xtreme Velocity Revolver). Other manufacturers have introduced their own version of handguns chambered for the .500 Smith & Wesson Magnum round.

### Advantage two is the gun industry:

#### The gun industry is dying now- big boomers are a last ditch effort to refuel the industry.

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

The firearms industry in the United States has been in decline for several decades. Although the industry has enjoyed periods of temporary resurgence, the long-term trend for the manufacturers of guns for civilians has been in steady decline. The industry’s latest attempt to stem this tide directly threatens America’s public safety officers. A Stagnant Industry. The firearms industry’s long-term stagnation is illustrated by Chart One, “Firearms Production 1984-2006,” which demonstrates that United States civilian firearms production in 2006 was not much greater than it had been in 1984. The recent up-tick in domestic production may be largely accounted for by “booming” military, law enforcement, and foreign markets (boosted by the weakened dollar), as opposed to civilian consumption.2 The Importance of Handguns. Simple inspection of Chart One also indicates that handgun production has driven overall American firearms production over the last 20 years. By and large, handgun boom years—caused by such phenomena as the introduction and aggressive marketing of high-capacity semiautomatic pistols in the early 1990s—have also been total gun production boom years. However, handgun manufacturers share with the broader industry the problem of long-term market stagnation, as illustrated by Chart Two. In 1984, 1,580,551 handguns were manufactured in the United States. In 2006, 1,403,329 handguns were manufactured, an 11 percent decline over the two decades. The plummet in production is more dramatic if one compares the production of 2,655,478 handguns in the peak boom year of 1993 with 2006 production, a 47 percent decline over the decade. The situation would be even worse were it not for a surge in buying by government agencies in the wake of the terrorist attacks of September 11, 2001, which caused an upturn in 2002 and 2003 handgun production. “Driving much of the increase is the high demand for firearms to meet the needs of federal agencies and law enforcement,” according to Shooting Industry magazine.3 The Decline in Hunting. One reason for the gun industry’s long-term slump is the steady decline in hunting, a traditional market for rifles and shotguns. “Hunters represent an aging demographic,” The Wall Street Journal summed up.4 In addition to demographic stagnation, absorption of rural land by expanding suburbs has decreased the number of places where hunters can hunt. “Now there are Wal-Marts and shopping centers where I used to hunt,” said a Florida hunter.5 This basic trend has been accelerated by the past decade’s real estate boom and by increased oil and gas drilling on public lands—the number of permits issued for such drilling by the U.S. Bureau of Land Management more than tripled from 1999 to 2004.6 Changes in society’s values and alternative recreational activities for young people have also hurt hunting. “Instead of waking up at 4 a.m. and going hunting, it’s easier for kids to sleep in until 9 and play video games,” a California wildlife official observed.7 The net result of these pressures has been that the number of hunting licenses issued nationally declined 10 percent over two decades, from 16.4 million in 1983 to 14.7 million in 2003.8 Key hunting states continue to experience similar losses: the number of general hunting licenses issued in Pennsylvania fell 13 percent from 1996, when about 990,000 licenses were issued, to 2003, when only 857,000 were issued.9 In Michigan, the number of hunting licenses issued dropped from about 2.7 million in 2000 to about 2.5 million in 2004.10 In Florida, licenses issued fell 36 percent from 265,617 in the period 1980 to 1981 to 170,949 in the period 2003 to 2004.11 The toll is likely to continue: the industry’s own studies predict that the number of hunters will plummet another 24 percent over the next 20 years.12 The decline in the number of hunters has a longer-term ripple effect on the gun market—hunting has traditionally been a gateway for bringing young people into the gun culture. Exposure to firearms at home during childhood increases by three times the likelihood that an adult will buy a firearm.13 Fewer young hunters clearly means fewer children will be turned into future gun buyers. The Cumulative Drop in Gun-Owning Households. The gun industry’s cumulative loss of market ground is reflected in a 2006 study, “Public Attitudes Towards the Regulation of Firearms,” released by the National Opinion Research Center (NORC) at the University of Chicago analyzing the prevalence of household firearms. The NORC survey data shows that during the period 1972 to 2006, the percentage of American households that reported having any guns in the home dropped nearly 20 percentage points: from a high of 54 percent in 1977 to 34.5 percent in 2006.a The Gun Industry’s Answers to Market Decline—Babes in the Woods. Given these implacable realities, the firearms industry's persistent challenge over the last several decades has been figuring out how to deal with the chronic problem of moribund markets in which “more and more guns [are] being purchased by fewer and fewer consumers.”14 One means that the industry has employed is trying to expand the pool of gun buyers. This is done principally by marketing guns to children and women. “In keeping with the industry’s push for growth, they’re working hard to lure women,” reports The Wall Street Journal. “They also expect that effort to pay future dividends if moms bring their kids along, too, and groom the next generation of Daniel and Danielle Boones.”15 According to other informed observers of the business of guns, “retention and recruitment efforts are being ramped up and range from trying to repeal laws that limit youth hunting to psychology-based campaigns aimed at getting young people familiar with gun use.”16 For example, the industry’s trade association, the National Shooting Sports Foundation (NSSF), has mounted a national lobbying campaign to pressure state legislatures to lower the age at which children can hunt and to eliminate safety rules that require adults to accompany child hunters. “We’re trying to take down some legal barriers so kids can get involved earlier,” according to an NSSF spokesman.17 These efforts are said to be “built on the research of psychologists like Jean Piaget,b who pioneered the study of children’s intellectual development [and] focus on the psychological requirements to build an inclination toward hunting starting at an early age.”18 Since the attacks of September 11, 2001, the gun industry has also attempted to exploit the popular fear of terrorism as an incentive to bring new consumers into the firearms market,19 just as in the past it has exploited fear of violent crime as a marketing pitch.20 These post-9/11 efforts have met with little success. The previously cited NORC study states: “Some have speculated that the 9/11 terrorist attacks undermined support for the regulation of firearms, arguing that fear of terrorism increased the public desire for firearms for self-defense. However, this was not the case.”21 22 Referring to earlier findings published by NORC researchers, the study reported that “except for a small bulge in handgun applications in September- October, 2001 which had already started to subside by November, there was no increase in firearm purchases in response to the 9/11 attacks.”23 Innovation. The industry’s principal avenue of addressing its stagnant markets, however, has been developing innovative gun designs aimed at stimulating repeat purchases of its products. “I think innovation is critical to the industry,” Smith & Wesson’s marketing chief said in 2005.24 For the gun industry, innovation has translated into introducing increasingly deadly firearms into the civilian market. The gun industry uses firepower, or lethality, the way the tobacco industry uses nicotine. Firearm lethality is a means to “hook” gun buyers into coming back into the market again and again as more deadly innovations are rolled out. In recent years, these innovations have included the design and mass marketing of semiautomatic assault weapons, highly concealable, high-powered pistols that the industry dubbed “pocket rockets,” 50 caliber anti-armor sniper rifles, and—the subject of this report—handguns capable of defeating law enforcement body armor, either because they are as powerful as rifles, or are specifically designed around armor-defeating ammunition.25 “The Muscle Cars of Handguns.” The industry’s innovative lethality now has become unabashedly sinister, directly threatening the lives of America’s first responders. Using advanced technologies and new materials, gun manufacturers are designing and recklessly introducing into the civilian market handguns that are capable of defeating the body armor that has saved the lives of thousands of law enforcement officers over the last three decades. The Violence Policy Center first reported in detail on this development in June 2004 in the study Vest Buster: The .500 Smith & Wesson Magnum—The Gun Industry’s Latest Challenge to Law Enforcement Body Armor. The present study updates that report, documenting the industry’s increasing marketing of armor-defeating “vest busters.”

#### Smith and Wesson releases tons of chemical waste causing increased health risks.

Bump 13 Pamela “GUN MANUFACTURING GIANT SMITH AND WESSON PLAGUED BY DETRIMENTAL ENVIRONMENTAL WASTE” May 2013 Equinox <http://kscequinox.com/2013/05/gun-manufacturing-giant-smith-and-wesson-plagued-by-detrimental-environmental-waste/> JW

It states in a Toxic Release Inventory Report from the EPA, shown on Envirofacts.com, that Smith and Wesson transports toxic waste materials to various locations and treatment plants. Since 2011 Smith and Wesson has transferred wastes to a Publicly Owned Treatment Works or a POTW in Agawam, Mass. The most common toxic waste element transported to other locations from their headquarters is known as sodium nitrite. Another recent waste of the company transported for treatment has been chromium. Sodium Nitrite is most commonly seen in foods and is used to prevent the growth of bacteria. However, overuse of the salt can cause medical problems like cancer, according to Livestrong.com. According to the EPA’s “Hazardous Substance Fact Sheet,” sodium nitrite is considered a hazardous chemical as it also causes skin, nose, throat and eye irritation with contact, as well as headaches, nausea, vomiting, diarrhea and abdominal pain. High levels of the substance can “reduce the blood’s ability to transport oxygen, causing headache, fatigue, dizziness, and a blue color to the skin and lips (methemoglobinemia),” according to the fact sheet. It is also noted that in some cases, exposure to high levels may even cause death. Chromium, according to the EPA’s website, is most commonly used in making steel and other alloys. The EPA’s website noted, “Chronic inhalation exposure to chromium in humans results in effects on the respiratory tract, with perforations and ulcerations of the septum, bronchitis, decreased pulmonary function, pneumonia, asthma, and nasal itching and soreness reported. Chronic human exposure to high levels of chromium by inhalation or oral exposure may produce effects on the liver, kidney, gastrointestinal and immune systems, and possibly the blood.” The TRI report also indicated that these substances are moved to a various locations for treatment or disposal in other states including, most commonly, waste treatment plants or facilities in Michigan and Connecticut. When it comes to chemical releases, in 2010 Smith and Wesson Holding Corporation’s main facility in Springfield, Mass., released and transferred a total of 31,516 [thousands of] pounds of nitrate compounds and 22,920 pounds of sodium nitrite in 2010, according to Compliance Reports shown by the EPA, which noted TRI history from 2003 to 2010 . According to a Toxic Release Inventory Report on Envirofacts.com, 100 pounds of toxic chemicals were released in 2011 while being transferred to “off-site disposal” These chemicals excluded “dioxin or dioxin-like compounds.” Also in the report, it lists 100 pounds of chromium compounds were released during the process of disposal. The report also shows that there has been no on or off-site recycling or energy recovery at this specific facility. There is also no on-site treatment amount or projected amounts listed. However it was reported that there was an off-site treatment of over 57,000 pounds of waste in 2011. It is also projected in the TRI report that there will be an off-site treatment of 69,000 pounds of waste in 2013. These compounds excluded dioxin and dioxin-like products. However, Dioxin and Dioxin like products similarly showed no report of on-site recycling, treatment or energy recoveries. Dioxin is considered to be one of the most hazardous chemicals by many experts. In 1982, the town of Times Beach, Missouri faced contamination with the chemical after contaminated oils were spread on the streets to prevent dust. The EPA’s website stated, “Dioxins can be released into the environment through forest fires, backyard burning of trash, certain industrial activities, and residue from past commercial burning of waste. Dioxins break down very slowly and past releases of dioxins from both man-made and natural sources still exist in the environment.” The EPA has also noted that exposure to dioxin can be linked to cancer, miscarriage and sterility. Smith and Wesson’s 10-Q report filed for July 2010 by the company explained, “We do not have insurance coverage for our environmental remediation costs. We have not recognized any gains from probable recoveries or other gain contingencies. The environmental reserve was calculated using undiscounted amounts based on independent environmental remediation reports obtained.” Financially, Smith and Wesson reserved finances for remediation of waste purposes, according to the 10-Q form. Smith and Wesson set aside $638,000 in reserves to remediate waste. The company also stated, “Our estimate of these costs is based upon currently enacted laws and regulations, currently available facts, experience in remediation efforts, existing technology, and the ability of other potentially responsible parties or contractually liable parties to pay the allocated portions of any environmental obligations.” Smith and Wesson also noted in the 10-Q report that, “Based on information known to us, we do not expect current environmental regulations or environmental proceedings and claims to have a material adverse effect on our consolidated financial position, results of operations, or cash flows.”

### Advantage three is militarization:

#### Absent legislation, big boomer possession spurs police militarization.

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

The Gun Lobby Defends Smith & Wesson’s Vest Buster. The Smith & Wesson 500 Magnum became a “humongous seller” according to a spokesman for the gun company.43 It was named “Handgun of the Year” in 2003 by a grandiloquent entity calling itself the “Shooting Industry Academy of Excellence”—in reality simply a selfserving appendage of the gun trade magazine Shooting Industry.44 There was, however, a fly in the rehabilitative ointment of the company, which has historically been close to foundering on financial shoals.45 Some law enforcement officials raised independently precisely the question posed in the VPC’s report on the vest-busting gun. “My question is why?,” a Pinellas County, Florida, sheriff sergeant and firearms instructor was quoted in the St. Petersburg Times as asking. “That’s way too much firepower, and you’d hate to see it in the wrong hands. When the playing field gets tilted in favor of the streets, law enforcement has to come back with equal firepower and new laws.”46

#### Police militarization causes violence and over-policing in minority neighborhoods through the war on drugs.

McCabe 15 Bret “Does the militarization of American police help them serve and protect?” John Hopkins Magazine Spring 2015 <http://hub.jhu.edu/magazine/2015/spring/aclu-militarization-of-police> JW

War Comes Home provides a brief outline that answers that question. The ACLU has long examined incidents of excessive force and discriminatory policing tactics, and during her 2012–14  tenure at the ACLU, Dansky says the organization kept hearing anecdotal stories of SWAT raids gone wrong—pets killed, children injured, people killed—and decided to seek raw data about such deployments. In March 2013, the ACLU submitted public records requests to more than 260 law enforcement agencies in 25 states and the District of Columbia for incident reports and supplemental records documenting SWAT deployments for 2011 and 2012; by September 2013, the ACLU had received 3,844 records. As background to understanding that data, Dansky and her ACLU colleagues researched the growth of SWAT teams in U.S. police forces, from the first one created in late 1960s Los Angeles, and looked into the federal programs that provide military equipment and in some cases incentivize its use by law enforcement agencies. In 1981, President Ronald Reagan's administration prompted Congress to pass the Military Cooperation with Civilian Law Enforcement Agencies Act. The legislation permitted U.S. military collaboration with civilian law enforcement in the growing war on drugs, including the sharing of information and facilities and training on and use of military equipment. The National Defense Authorization Act of 1990 authorized the Department of Defense to transfer military equipment to law enforcement agencies "for use in counterdrug activities." This program led to the Department of Defense Excess Property Program (aka the 1033 Program). That one was created under President Bill Clinton by the National Defense Authorization Act for fiscal year 1997, and it authorized surplus military equipment to be sent to law enforcement agencies for, as the act states, "use in counternarcotics and counterterrorism operations, and to enhance officer safety." These pipelines put military weapons into the hands of civilian cops. The Edward Byrne Memorial Justice Assistance Grant (JAG) program, authorized by the Anti-Drug Abuse Act of 1988 and reorganized in 2005, provided a monetary incentive for their use in anti-drug policing. Funding, which comes out of the Department of Justice, may incentivize arrests for low-level drug offenses and other ineffective crime-reduction strategies. Byrne funds can be used for a variety of services, but a 2014 AlterNet report documents an overwhelming majority going toward anti-drug policing. The number of federal agencies, offices, or departments that gather incident report data about SWAT deployments is zero. All these programs and acts were expanded following 9/11, a development that is discussed in the background of the ACLU report. The ACLU looked specifically at two years of data about SWAT deployments from about 255 law enforcement agencies. The graphics on the accompanying pages spotlight some of the report's findings—for example, that an overwhelming majority of SWAT deployments are to serve search warrants, a scenario for which SWAT teams were not created nor intended, and the majority of those warrants are drug search warrants served to people of color. This provides a snapshot of how SWAT teams use federal criminal justice money and the weaponry obtained from the Department of Defense. But the stat that should provide the most pause is but an estimate: There are more than 17,000 autonomous law enforcement agencies in the United States. Of those, an estimated 80 percent have SWAT teams. Collectively, those SWAT teams are estimated to be deployed between 50,000 and 80,000 times per year. And the reason those stats are qualified as "estimated" is that the number of federal agencies, offices, or departments that gather incident report data about SWAT deployments is zero. "People are really shocked by the lack of data," Dansky says, pointing out that the data the ACLU received varied in consistency and depth, revealing that even at the local level there is no standard protocol for documenting deployment. "I think the events of Ferguson and the non-indictments in the Michael Brown and Eric Garner cases have shone a light on a problem that has deep roots and goes far back," she continues. "People in the [criminal justice] field have been complaining for a very long time about overpolicing in mainly black neighborhoods—particularly aggressive policing, specifically to wage the failed and wasteful war on drugs—and mass incarceration, which is basically our nation's addiction to locking up people in jails and prisons instead of providing constructive solutions. But those issues have not been on the radar of mainstream America for decades. Now, people are talking about these issues in a really constructive way." She mentions a lawmaker in Pittsburgh who introduced legislation to prohibit the Pittsburgh police department from applying to the Pentagon for military equipment, some North Carolina counties that held public forums to talk about how citizens want policing performed in their communities, and a few communities that have sent their MRAPs back to the Pentagon. The federal government has started to address the oversight of these programs as well. In September, Senator Claire McCaskill of Missouri addressed the Senate Committee on Homeland Security and Governmental Affairs about these federal programs. A Senate Armed Services Hearing that month that reviewed these programs revealed that DOD, DOJ, and the Department of Homeland Security don't talk to one another about the money and equipment that go to police departments, which is ostensibly being addressed. And in December, President Barack Obama's office issued a report about these programs and gave his administration 120 days to develop an executive order that includes substantive reforms. Obama's report was the first top-down evaluation of the 1033 Program in 20 years; Americans who are poor and/or of color have lived on the frontlines of America's drug wars since the 1980s, and the ACLU report presents a correlation between the militarized police forces—which a small cadre of academic researchers has been documenting since the 1980s—and the preventive policing of the drug war as de facto urban policy driving how law enforcement agencies interact with and consider themselves in the communities in which they operate. Both are in need of radical reassessment and reform. "I think a lot of the public doesn't even know we're still fighting the war on drugs," says Dansky, who is now special adviser to the director of the Mayor's Office of Criminal Justice for New York City Mayor Bill de Blasio. "I think the public is weary of it and is tired of spending money on it. And I think people are really tired of seeing drugs as an evil that needs to be combated with the criminal justice system and specifically with weapons made for combat. "People don't want their neighborhoods to be treated like war zones," she continues. "And the people are already demanding change."

### Fwk

#### Phenomenal introspection is reliable and proves that util is objectively valid.

Sinhababu Neil (National University of Singapore) “The epistemic argument for hedonism” [http://philpapers.org/archive/SINTEA-3 accessed 2-4-16](http://philpapers.org/archive/SINTEA-3%20accessed%202-4-16) JW

The Odyssey's treatment of these events demonstrates how dramatically ancient Greek moral intuitions differ from ours. It doesn't dwell on the brutality of Telemachus, who killed twelve women for the trivial reasons he states, making them suffer as they die. While gods and men seek vengeance for other great and small offenses in the Odyssey, no one finds this mass murder worth avenging. It's a minor event in the denouement to a happy ending in which Odysseus (who first proposes killing the women) returns home and Telemachus becomes a man. That the[y] Greeks could so easily regard these murders as part of a happy ending for heroes shows how deeply we disagree with them. It's as if we gave them a trolley problem with the 12 women on the side track and no one on the main track, and they judged it permissible for Telemachus to turn the trolley and kill them all. And this isn't some esoteric text of a despised or short-lived sect, but a central literary work of a long-lived and influential culture. Human history offers similarly striking examples of disagreement on a variety of topics. These include sexual morality; the treatment of animals; the treatment of other ethnicities, families, and social classes; the consumption of intoxicating substances; whether and how one may take vengeance; slavery; whether public celebrations are acceptable; and gender roles.12 Moral obligations to commit genocide were accepted not only by some 20th century Germans, but by much of the ancient world, including the culture that gave us the Old Testament. One can only view the human past and much of the present with horror at the depth of human moral error and the harm that has resulted. One might think to explain away much of this disagreement as the result of differing nonmoral beliefs. Those who disagree about nonmoral issues may disagree on the moral rightness of a particular action despite agreeing on the fundamental moral issues. For example, they may agree that healing the sick is right, but disagree about whether a particular medicine will heal or harm. This disagreement about whether to prescribe the medicine won't be fundamentally about morality, and won't support the argument from disagreement. I don't think the moral disagreements listed above are explained by differences in nonmoral belief. This isn't because sexists, racists, and bigots share the nonmoral views of those enlightened by feminism and other egalitarian doctrines – they don't. Rather, their differing views on nonmoral topics often are rationalizations of moral beliefs that fundamentally disagree with ours.13 Those whose fundamental moral judgments include commitments to the authority of men over women, or of one race over another, will easily accept descriptive psychological views that attribute less intelligence or rationality to women or the subjugated race.14 Moral disagreement supposedly arising from moral views in religious texts is similar. Given how rich and many-stranded most religious texts are, interpretive claims about their moral teachings often tell us more about the antecedent moral beliefs of the interpreter than about the text itself. This is why the same texts are interpreted to support so many different moral views. Similar phenomena occur with most moral beliefs. Environmentalists who value a lovely patch of wilderness will easily believe that its destruction will cause disaster, those who feel justified in eating meat will easily believe that the animals they eat don't suffer greatly, and libertarians who feel that redistributing wealth is unjust will easily believe that it raises unemployment. We shouldn't assume that differing moral beliefs on practical questions are caused by fundamental moral agreement combined with differing nonmoral beliefs. Often the differing nonmoral beliefs are caused by fundamental moral disagreement. As we have no precise way of quantifying the breadth of disagreement or determining its epistemic consequences, it's unclear exactly how much disagreement the argument requires. While this makes the argument difficult to evaluate, it shouldn't stop us from proceeding, as we have to use the unclear notion of widespread disagreement in ordinary epistemic practice. If 99.9% of botanists agree on some issue about plants, non-botanists should defer to their authority and believe as most of them do. But if disagreement between botanists is suitably widespread, non-botanists should remain agnostic. A more precise and systematic account of when disagreement is widespread enough to generate particular epistemic consequences would be very helpful. Until we have one, we must employ the unclear notion of widespread disagreement, or some similar notion, throughout epistemic practice. Against the background of widespread moral disagreement, there may still be universal or near-universal agreement on some moral questions. For example, perhaps all cultures agree that one should provide for one’s elderly parents, even though they generally disagree elsewhere. How do these narrow areas of moral agreement affect the argument? This all depends on whether the narrow agreement is reliably or unreliably caused. If narrow agreement results from a reliable process of belief-formation, it lets us avoid error, defeating the argument from disagreement. But widely accepted moral beliefs may result from widely prevailing unreliable processes leading everyone to the same errors. There's no special pressure to explain agreement in terms of reliable processes when disagreement is widespread. Explaining agreement in terms of reliable processes is preferable when we have some reason to think that the processes involved are generally reliable. Then we would want to understand cases of agreement in line with the general reliability of processes producing moral belief. But if disagreement is widespread, error is too. Since moral beliefs are so often false, invoking unreliable processes to explain them is better than invoking reliable ones. The next two sections discuss this in more detail. We have many plausible explanations of narrow agreement on which moral beliefs are unreliably caused. Evolutionary and sociological explanations of why particular moral beliefs are widely accepted often invoke unreliable mechanisms.15 On these explanations, we agree because some moral beliefs were so important for reproductive fitness that natural selection made them innate in us, or so important to the interests controlling moral education in each culture that they were inculcated in everyone. For example, parents' influence over their children's moral education would explain agreement that one should provide for one's elderly parents. Plausible normative ethical theories won't systematically connect these evolutionary and sociological explanations with moral facts. If disagreement and error are widespread, they'll provide useful ways to reconcile unusual cases of widespread agreement with the general unreliability of the processes producing moral belief. 1.3 If there is widespread error about a topic, we should retain only those beliefs about it formed through reliable processes Now I'll defend 3. First I'll show how the falsity of others' beliefs undermines one's own belief. Then I'll clarify the notion of a reliable process. I'll consider a modification to 3 that epistemic internalists might favor, and show that the argument accommodates it. I'll illustrate 3's plausibility by considering cases where it correctly guides our reasoning. Finally, I'll show how 3 is grounded in the intuitive response to grave moral error. First, a simple objection: “Why should I care whether other people have false beliefs? That's a fact about other people, and not about me. Even if most people are wrong about some topic, I may be one of the few right ones, even if there's no apparent reason to think that my way of forming beliefs is any more reliable.” While widespread error leaves open the possibility that one has true beliefs, it reduces the probability that my beliefs are true. Consider a parallel case. I have no direct evidence that I have an appendix, but I know that previous investigations have revealed appendixes in people. So induction suggests that I have an appendix. Similarly, I know on the basis of 1 and 2 that people's moral beliefs are, in general, rife with error. So even if I have no direct evidence of error in my moral beliefs, induction suggests that they are rife with error as well. 3 invokes the reliability of the processes that produce our beliefs. Assessing processes of belief-formation for reliability is an important part of our epistemic practices. If someone tells me that my belief is entirely produced by wishful thinking, I can't simply accept that and maintain the belief. Knowing that wishful thinking is unreliable, I must either deny that my belief is entirely caused by wishful thinking or abandon the belief. But if someone tells me that my belief is entirely the result of visual perception, I'll maintain it, assuming that it concerns sizable nearby objects or something else about which visual perception is reliable. While providing precise criteria for individuating processes of belief-formation is hard, as the literature on the generality problem for reliabilism attests, individuating them somehow is indispensable to our epistemic practices.16 Following Alvin Goldman's remark that “It is clear that our ordinary thought about process types slices them broadly” (346), I'll treat cognitive process types like wishful thinking and visual perception as appropriately broad.17 Trusting particular people and texts, meanwhile, are too narrow. Cognitive science may eventually help us better individuate cognitive process types for the purposes of reliability assessments and discover which processes produce which beliefs. Epistemic internalists might reject 3 as stated, claiming that it isn't widespread error that would justify giving up our beliefs, but our having reason to believe that there is widespread error. They might also claim that our justification for believing the outputs of some process depends not on its reliability, but on what we have reason to believe about its reliability. The argument will still go forward if 3 is modified to suit internalist tastes, changing its antecedent to “If we have reason to believe that there is widespread error about a topic” or changing its consequent to “we should retain only those beliefs about it that we have reason to believe were formed through reliable processes.” While 3's antecedent might itself seem unnecessary on the original formulation, it's required for 3 to remain plausible on the internalist modification. Requiring us to have reason to believe that any of our belief-formation processes are reliable before retaining their outputs might lead to skepticism. The antecedent limits the scope of the requirement to cases of widespread error, averting general skeptical conclusions. The argument will still attain its conclusion under these modifications. Successfully defending the premises of the argument and deriving widespread error (5) and unreliability (7) gives those of us who have heard the defense and derivation reason to believe 5 and 7. This allows us to derive 8. (Thus the pronoun 'we' in 3, 6, and 8.) 3 describes the right response to widespread error in many actual cases. Someone in the 12th century, especially upon hearing the disagreeing views of many cultures regarding the origins of the universe, would do well to recognize that error on this topic was widespread and retreat to agnosticism about it. Only when modern astrophysics extended reliable empirical methods to cosmology would it be rational to move forward from agnosticism and accept a particular account of how the universe began. Similarly, disagreement about which stocks will perform better than average is widespread among investors, suggesting that one's beliefs on the matter have a high likelihood of error. It's wise to remain agnostic about the stock market without an unusually reliable way of forming beliefs – for example, the sort of secret insider information that it's illegal to trade on. 3 permits us to hold onto our moral beliefs in individual cases of moral disagreement, suggesting skeptical conclusions only when moral disagreement is widespread. When we consider a single culture's abhorrent moral views, like the Greeks' acceptance of Telemachus and Odysseus' murders of the servant women, we don't think that maybe the Greeks were right to see nothing wrong and we should reconsider our outrage. Instead, we're horrified by their grave moral error. I think this is the right response. We're similarly horrified by the moral errors of Hindus who burned widows on their husbands' funeral pyres, American Southerners who supported slavery and segregation, our contemporaries who condemn homosexuality, and countless others. The sheer number of cases like this requires us to regard moral error as a pervasive feature of the human condition. Humans typically form moral beliefs through unreliable processes and have appendixes. We are humans, so this should reduce our confidence in our moral judgments. The prevalence of error in a world full of moral disagreement demonstrates how bad humans are at forming true moral beliefs, undermining our own moral beliefs. Knowing that unreliable processes so often lead humans to their moral beliefs, we'll require our moral beliefs to issue from reliable processes. 1.4 If there is widespread error about morality, there are no reliable processes for forming moral beliefs A reliable process for forming moral beliefs would avert skeptical conclusions. I'll consider several processes and argue that they don't help us escape moral skepticism. Ordinary moral intuition, whether it involves a special rational faculty or our emotional responses, is shown to be unreliable by the existence of widespread error. The argument from disagreement either prevents reflective equilibrium from generating moral conclusions or undermines it. Conceptual analysis is reliable, but delivers the wrong kind of knowledge to avert skepticism. If all our processes for forming moral beliefs are unreliable, moral skepticism looms. 4 is false only because of one process – phenomenal introspection, which lets us know of the goodness of pleasure, as the second half of this paper will discuss. Widespread error guarantees the unreliability of any process by which we form all or almost all of our moral beliefs. While widespread error allows some processes responsible for a small share of our moral beliefs to predominantly create true beliefs, it implies that any process generating a very large share of moral belief must be highly error-prone. Since the process produced so many of our moral beliefs, and so many of them are erroneous, it must be responsible for a large share of the error. If more of people's moral beliefs were true, things would be otherwise. Widespread truth would support the reliability of any process that produced most or all of our moral beliefs, since that process would be responsible for so much true belief. But given widespread error, ordinary moral intuition must be unreliable. This point provides a forceful response to Moorean opponents who insist that we can't give up the reliability of a process by which we form all or nearly all of our beliefs on an important topic, since this would permit counterintuitive skeptical conclusions. Even if this Moorean response helps against external world skeptics who employ counterfactual thought experiments involving brains in vats, it doesn't help against moral skeptics who use 1 and 2 to derive widespread actual error. Once we accept that widespread error actually obtains, a great deal of human moral knowledge has already vanished. Insisting on the reliability of the process then seems implausible and pointless. I'll briefly consider two conceptions of moral intuition – as a special rational faculty by which we grasp non-natural moral facts, and as a process by which our emotions lead us to form moral beliefs – and show how widespread error guarantees their unreliability. Some philosophers regard moral intuition as involving a special rational faculty that lets us know non-natural moral facts.18 They argue that knowledge on many topics including mathematics, logic, and modality involves this rational faculty, so moral knowledge might operate similarly. This suggests a way for them to defend the reliability of moral intuition in the face of widespread error: if intuition is reliable about these other things, its overall reliability across moral and nonmoral areas allows us to reliably form moral beliefs by using it. This defense won't work. When an epistemic process is manifestly unreliable on some topic, as widespread error shows any process responsible for most of our moral beliefs to be, the reliability of that process elsewhere won't save it on that topic. Even if testimony is reliable, this doesn't imply the reliability of compulsive gamblers' testimony about the next spin of the roulette wheel. Even if intuition remains reliable elsewhere, widespread disagreement still renders it unreliable in ethics. I see ordinary moral intuition as a process of emotional perception in which our feelings cause us to form moral beliefs.19 Just as visual experiences of color cause beliefs about the colors of surfaces, emotional experiences cause moral beliefs. Pleasant feelings like approval, admiration, or hope in considering actions, persons, or states of affairs lead us to believe they are right, virtuous or good. Unpleasant emotions like guilt, disgust, or horror in considering actions, persons, or states of affairs lead us to believe they are wrong, vicious, or bad. We might have regarded this as a reliable way to know about moral facts, just as visual perception is a reliable way to know about color, if not for widespread error. But because of widespread error, we can only see it as an unreliable process responsible for our dismal epistemic situation. Reflective equilibrium is the prevailing methodology in normative ethics today. It involves modifying our beliefs about particular cases and general principles to make them cohere. Whether or not nonmoral propositions like the premises of the argument from disagreement are admissible in reflective equilibrium, widespread error prevents reflective equilibrium from reliably generating a true moral theory, as I'll explain. If the premises of the argument from disagreement are admitted into reflective equilibrium, the argument can be reconstructed there, and reflective equilibrium will dictate that we give up all of our moral beliefs. To avoid this conclusion, the premises of the argument from disagreement would have to be revised away on moral grounds. These premises are a metaethical claim about the objectivity of morality which seems to be a conceptual truth, an anthropological claim about the existence of disagreement, a very general epistemic claim about when we should revise our beliefs, and a more empirically grounded epistemic claim about our processes of belief-formation and their reliability. While reflective equilibrium may move us to revise substantive moral beliefs in view of other substantive moral beliefs, claims of these other kinds are less amenable to such revision. Unless ambitious arguments for revising these nonmoral claims away succeed, we must follow the argument to its conclusion and accept that reflective equilibrium makes moral skeptics of us.20 If only moral principles and judgments are considered in reflective equilibrium, it won't make moral skeptics of us, but the argument from disagreement will undermine its conclusions. The argument forces us to give up the pre-existing moral beliefs against which we test various moral propositions in reflective equilibrium. While we may be justified in believing something because it coheres with our other beliefs, this justification goes away once we see that those beliefs should be abandoned. Coherence with beliefs that we know we should give up doesn't confer justification. Now I'll consider conceptual analysis. It can produce moral beliefs about conceptual truths – for example, that the moral supervenes on the nonmoral, and that morality is objective. It also may provide judgments about relations between different moral concepts – perhaps, that if the only moral difference between two actions is that one would produce morally better consequences than the other, doing what produces better consequences is right. I regard conceptual analysis as reliable, so that the argument from disagreement does not force us to give up the beliefs about morality it produces. Unfortunately, if analytic naturalism is false, as has been widely held in metaethics since G. E. Moore, conceptual analysis won't provide all the knowledge we need to build a normative ethical theory.21 Even when it relates moral concepts like goodness and rightness to each other, it doesn't tell us that anything is good or right to begin with. That's the knowledge we need to avoid moral skepticism. So far I've argued that our epistemic and anthropological situation, combined with plausible metaethical and epistemic principles, forces us to abandon our moral beliefs. But if a reliable process of moral belief-formation exists, 4 is false, and we can answer the moral skeptic. The rest of this paper discusses the only reliable process I know of. 2.1 Phenomenal introspection reveals pleasure's goodness Phenomenal introspection, a reliable way of forming true beliefs about our experiences, produces the belief that pleasure is good. Even as our other processes of moral belief-formation prove unreliable, it provides reliable access to pleasure's goodness, justifying the positive claims of hedonism. This section clarifies what phenomenal introspection and pleasure are and explains how phenomenal introspection provides reliable access to pleasure's value. Section 2.2 argues that pleasure's goodness is genuine moral value, rather than value of some other kind. In phenomenal introspection we consider our subjective experience, or phenomenology, and determine what it's like. Phenomenal introspection can be reliable while dreaming or hallucinating, as long as we can determine what the dreams or hallucinations are like. By itself, phenomenal introspection doesn't produce beliefs about things outside experience, or about relations between our experiences and non-experiential things. So it doesn't produce judgments about the rightness of actions or the goodness of non-experiential things. It can only tell us about the intrinsic properties of experience itself. Phenomenal introspection is generally reliable, even if mistakes about immediate experience are possible. Experience is rich in detail, so one could get some of the details wrong in belief. Under adverse conditions involving false expectations, misleading evidence about what one's experiences will be, or extreme emotional states that disrupt belief-formation, larger errors are possible. Paradigmatically reliable processes like vision share these failings. Vision sometimes produces false beliefs under adverse conditions, or when we're looking at complex things. Still, it's so reliable as to be indispensible in ordinary life. Regarding phenomenal introspection as unreliable is about as radical as skepticism about the reliability of vision. While contemporary psychologists reject introspection into one's motivations and other psychological causal processes as unreliable, phenomenal introspection fares better. Daniel Kahneman, for example, writes that “experienced utility is best measured by moment-based methods that assess the experience of the present.”22 Even those most skeptical about the reliability of phenomenal introspection, like Eric Schwitzgebel, concede that we can reliably introspect whether we are in serious pain.23 Then we should be able to introspectively determine what pain is like. So I'll assume the reliability of phenomenal introspection. One can form a variety of beliefs using phenomenal introspection. For example, one can believe that one is having sound experiences of particular noises and visual experiences of different shades of color. When looking at a lemon and considering the phenomenal states that are yellow experiences, one can form some beliefs about their intrinsic features – for example, that they're bright experiences. And when considering experiences of pleasure, one can make some judgments about their intrinsic features – for example, that they're good experiences. Just as one can look inward at one's experience of lemon yellow and recognize its brightness, one can look inward at one's experience of pleasure and recognize its goodness.24 When I consider a situation of increasing pleasure, I can form the belief that things are better than they were before, just as I form the belief that there's more brightness in my visual field as lemon yellow replaces black. And when I suddenly experience pain, I can form the belief that things are worse in my experience than they were before. Having pleasure consists in one's experience having a positive hedonic tone. Without descending into metaphor, it's hard to give a further account of what pleasure is like than to say that when one has it, one feels good. As Aaron Smuts writes in defending the view of pleasure as hedonic tone, “to 'feel good' is about as close to an experiential primitive as we get.” 25 Fred Feldman sees pleasure as fundamentally an attitude rather than a hedonic tone.26 But as long as hedonic tones are real components of experience, phenomenal introspection will reveal pleasure's goodness. Opponents of the hedonic tone account of pleasure usually concede that hedonic tones exist, as Feldman seems to in discussing “sensory pleasures,” which he thinks his view helps us understand. Even on his view of pleasure, phenomenal introspection can produce the belief that some hedonic tones are good while others are bad. There are many different kinds of pleasant experiences. There are sensory pleasures, like the pleasure of tasting delicious food, receiving a massage, or resting your tired limbs in a soft bed after a hard day. There are the pleasures of seeing that our desires are satisfied, like the pleasure of winning a game, getting a promotion, or seeing a friend succeed. These experiences differ in many ways, just as the experiences of looking at lemons and the sky on a sunny day differ. It's easy to see the appeal of Feldman's view that pleasures “have just about nothing in common phenomenologically” (79). But just as our experiences in looking at lemons and the sky on a sunny day have brightness in common, pleasant experiences all have “a certain common quality – feeling good,” as Roger Crisp argues (109).27 As the analogy with brightness suggests, hedonic tone is phenomenologically very thin, and usually mixed with a variety of other experiences.28 Pleasure of any kind feels good, and displeasure of any kind feels bad. These feelings may or may not have bodily location or be combined with other sensory states like warmth or pressure. “Pleasure” and “displeasure” mean these thin phenomenal states of feeling good and feeling bad. As Joseph Mendola writes, “the pleasantness of physical pleasure is a kind of hedonic value, a single homogenous sensory property, differing merely in intensity as well as in extent and duration, which is yet a kind of goodness” (442).29 What if Feldman is right and hedonic states feel good in fundamentally different ways? Then phenomenal introspection suggests a pluralist variety of hedonism. Each fundamental flavor of pleasure will have a fundamentally different kind of goodness, as phenomenal introspection more accurate than mine will reveal. This isn't my view, but I suggest it to those convinced that hedonic tones are fundamentally heterogenous. If phenomenal introspection reliably informs us that pleasure is good, how can anyone believe that their pleasures are bad? Other processes of moral belief-formation are responsible for these beliefs. Someone who feels disgust or guilt about sex may not only regard sex as immoral, but the pleasure it produces as bad. Even if phenomenal introspection on sexual pleasure disposes one to believe that it's good, stronger negative emotional responses to it may more strongly dispose one to believe that it's bad, following the emotional perception model suggested in section 1.4. Explaining disagreement about pleasure's value in terms of other processes lets hedonists maintain that phenomenal introspection univocally supports pleasure's goodness. As long as negative judgments of pleasure come from unreliable processes instead of phenomenal introspection, the argument from disagreement eliminates them. The parallel between yellow’s brightness and pleasure’s goodness demonstrates the objectivity of the value detected in phenomenal introspection. Just as anyone's yellow experiences objectively are bright experiences, anyone's pleasure objectively is a good experience.30 While one's phenomenology is often called one's “subjective experience”, facts about it are still objective. “Subjective” in “subjective experience” means “internal to the mind”, not “ontologically dependent on attitudes towards it.” My yellow-experiences objectively have brightness. Anyone who thought my yellow-experiences lacked brightness would be mistaken. Pleasure similarly is objectively good. It's true that anyone's pleasure is good. Anyone who denies this is mistaken. As Mendola writes, the value detected in phenomenal introspection is “a plausible candidate for objective value” (712). Even though phenomenal introspection only tells me about my own phenomenal states, I can know that others' pleasure is good. Of course, I can't phenomenally introspect their pleasures, just as I can't phenomenally introspect pleasures that I'll experience next year. But if I consider my experiences of lemon yellow and ask what it would be like if others had the same experiences, I must think that they would be having bright experiences. Similarly, if in a pleasant moment I consider what it's like for others to have exactly the experience I'm having, I must think that they're having good experiences. If they have exactly the same experiences I'm having, their experiences will have exactly the same intrinsic properties as mine. This is also how I know that if I have the same experience in the future, it'll have the same intrinsic properties. Even though the only pleasure I can introspect is mine now, I should believe that others' pleasures and my pleasures at other times are good, just as I should believe that yellow experienced by others and myself at other times is bright. My argument thus favors the kind of universal hedonism that supports utilitarianism, not egoistic hedonism.

Highest layer of the framework debate- reliable processes disprove your theory.

Sinhababu 2 Neil Sinhababu (National University of Singapore) “The epistemic argument for hedonism” <http://philpapers.org/archive/SINTEA-3> JW

A full moral theory including accounts of rightness and virtue can be built from the deliverances of phenomenal introspection combined with conceptual analysis. Shaver, Kagan, and I suggest that phenomenal introspection reveals pleasure to have a kind of goodness that makes states of affairs better in consequentialist moral theories. A state of affairs thus is pro tanto better as there is more pleasure and pro tanto worse as there is more displeasure. More pleasure makes states of affairs better. Conceptual analysis here connects the concept of goodness with the concept of a better state of affairs, and with other moral concepts like rightness and virtue. Even if conceptual analysis cannot connect the moral and the nonmoral as a full normative ethical theory requires, it reveals connections between our moral concepts. For example, the following propositions or something like them seem to be conceptual truths: states of affairs are pro tanto better insofar as they include more goodness, an action is pro tanto better insofar as it causally contributes to better states of affairs, and agents are pro tanto more virtuous insofar as they desire that better states of affairs obtain. These putative conceptual truths about pro tanto relations do not contradict strong forms of deontology, as they allow that obligations may trump good consequences in determining right action. Utilitarians who build their theories along these lines can treat deontology as a conceptually coherent position whose substantive claims are in fact not favored by evidence from any reliable processes. So they need not treat utilitarianism itself as a conceptual truth and run afoul of Moore's open question argument. If the argument from disagreement forces us to abandon belief in all other moral facts, introspecting pleasure's goodness and following these conceptual pro tanto connections to conclusions involving other moral concepts may be the only way to develop a full moral theory through reliable processes.

Impacts: A. Skepticism doesn’t answer the aff since conflicts can only be resolved by competing reasons and intutions-this comes first, it’s a question of how we evaluate ethical claims in the first place. Also there’s multiple types of obligations we can conceptualize, proving any one doesn’t disprove the resolution, I just have to win any specific reason the aff is good to prove the statement overall good. B. outweighs on probability- any other justification relies on long chains of questionable metaphysical assumptions- util is verifiable to every agent.

Thus, the standard is maximizing happiness. Prefer the standard:

1. Means based theories devolve to util-there’s no intent foresight distinction: if we’re knowledgeable about the consequence of an action then we calculate that into our intention because we could always decide not to act.

2. Util is axiomatic since it applies to all circumstance, whereas things like reason can contradict. This outweighs: we have to have some way to resolve contradictions, e.g. X and not X, otherwise all statements would be rendered irresolvable. Contradictions come first—they govern the truth claims of all propositions, for example: saying “all lemons are yellow” OR “santa claus exists” must be true if we know that lemons are yellow. But, if we substitute in “not all lemons are yellow,” then Santa Claus must exist, which applies to all assertions.

3. Actor specificity. Policymaking must be consequentialist since collective action results in conflicts that only util can resolve. Side constraints paralyze state action since policy makers have to consider tradeoffs between multiple people. States lack intentionality since they're composed of multiple individuals—there is no act-omission distinction for them since they create permissions and prohibitions in terms of policies so authorizing action could never be considered an omission since the state assumes culpability in regulating the public domain.

4. our basic intuition is that we must make the world a better place.ollieconceded theory is taken out bu\y truth tes food one sec kk

Sinnott-Armstrong 2 Walter Sinnott-Armstrong (Chauncey Stillman Professor of Practical Ethics in the Department of Philosophy and the Kenan Institute for Ethics at Duke University) “Consequentialism” Stanford Encyclopedia of Philosophy <http://plato.stanford.edu/archives/win2011/entries/consequentialism/>

Even if consequentialists can accommodate or explain away common moral intuitions, that might seem only to answer objections without yet giving any positive reason to accept consequentialism. However, most people begin with the presumption that we morally ought to make the world better when we can. The question then is only whether any moral constraints or moral options need to be added to the basic consequentialist factor in moral reasoning. (Kagan 1989, 1998) If no objection reveals any need for anything beyond consequences, then consequences alone seem to determine what is morally right or wrong, just as consequentialists claim.

Thus, any reason to reject the NC framework is sufficient to default to util even if I don’t win proactive framework warrants.

### Underview

1. Aff gets 1AR theory- otherwise the neg can be infinitely abusive and there’s no way to check against this. 1AR theory is drop the debater- the 1ARs too short to be able to rectify abuse and adequately cover substance- you must be punished.

2. Put away your Kant NC. The state has a monopoly on force through the omnilateral will, private ownership of handguns ought to be banned.

Ripstein Arthur Ripstein, “Force and Freedom”. Harvard University Press, 2009

The first, “legalistic” argument turns on the claim that no one can sit in judgment of the sovereign, on the grounds that the person who could do so would be the sovereign**,** and so, either the real sovereign, or subject to having still others sit in judgment, generating either a regress or a contradiction**,** since under such an arrangement the supreme authority would both be and not be the supreme authority. Thus a constitution that reserves to the people a right of revolution necessarily contains a contradiction. This argument is often discussed independently of the other parts of Kant’s argument for the state, and unsurprisingly, it strikes many readers as too legalistic to be of much interest. However, Kant’s point in making it needs to be understood in the broader context of his argument for the state. As we saw in Chapter 6, that argument turns on the problem of unilateral choice, and the need for authoritative institutions to make choice omnilateral. In order for the power to resolve a dispute to be anything more than yet another unilateral use of force, the arbiter of the dispute must be able to make a decision on behalf of the parties to the dispute. In the case of a revolution, however, someone presents himself as outside the legal order, yet entitled to resolve a dispute in relation to it. In those terms, the revolutionary’s position is incoherent. From the claim that the revolutionary is not entitled to be judge in his own case, Kant draws the surprising conclusion that the sovereign is entitled to be judge in his own case.14

3. Merriam Webster[[1]](#footnote-1) defines “to negate” as “to deny the existence or truth of” so the neg burden is to prove the resolution false-textuality is key since it’s the only thing we have before the round. The neg burden is to prove the resolution more likely false than true, otherwise you have a comparatively easier burden than me.

4. Presume aff- statements are presumed true before contestation- if I say my name is Jack, you believe me until you have evidence otherwise.

5. The neg must accept the aff’s choice of role of the ballot where the neg must defend postfiat offense related to the resolutiony. I have to speak first and create the starting point for the debate-changing role of the ballot moots six minutes of AC offense, A. reason to drop you under your role of the ballot-you skew the discussion in your favor and give yourself more speech time, B. strongest link to fairness-I have no coherent strategy options since I lose the aff, C. link turns your kritikal offense since a world in which the aff chooses the role of the ballot allows us to better clash on issues underneath that role and gain actual kritikal education, also counter interp offense is non unique since you can just read a kritikal disad, read your K on the aff, or just read it without the voting implication to promote education. Theory outweighs the K since it sets rules for the activity that govern what kinds of arguments you can read.

#### 6. Critical movements must be strategically oriented legalistic demands against the state to promote real change.

Zizek 07 Slavoj “Resistance is Surrender” London Review of Books November 15th 2007 <http://www.lacan.com/zizsurcrit.htm> JW

One of the clearest lessons of the last few decades is that capitalism is indestructible. Marx compared it to a vampire, and one of the salient points of comparison now appears to be that vampires always rise up again after being stabbed to death. Even Mao's attempt, in the Cultural Revolution, to wipe out the traces of capitalism, ended up in its triumphant return. Today's Left reacts in a wide variety of ways to the hegemony of global capitalism and its political supplement, liberal democracy. It might, for example, accept the hegemony, but continue to fight for reform within its rules (this is Third Way social democracy). Or, it accepts that the hegemony is here to stay, but should nonetheless be resisted from its 'interstices'. Or, it accepts the futility of all struggle, since the hegemony is so all-encompassing that nothing can really be done except wait for an outburst of 'divine violence' - a revolutionary version of Heidegger's 'only God can save us.' Or, it recognises the temporary futility of the struggle. In today's triumph of global capitalism, the argument goes, true resistance is not possible, so all we can do till the revolutionary spirit of the global working class is renewed is defend what remains of the welfare state, confronting those in power with demands we know they cannot fulfil, and otherwise withdraw into cultural studies, where one can quietly pursue the work of criticism. Or, it emphasises the fact that the problem is a more fundamental one, that global capitalism is ultimately an effect of the underlying principles of technology or 'instrumental reason'. Or, it posits that one can undermine global capitalism and state power, not by directly attacking them, but by refocusing the field of struggle on everyday practices, where one can 'build a new world'; in this way, the foundations of the power of capital and the state will be gradually undermined, and, at some point, the state will collapse (the exemplar of this approach is the Zapatista movement). Or, it takes the 'postmodern' route, shifting the accent from anti-capitalist struggle to the multiple forms of politico-ideological struggle for hegemony, emphasising the importance of discursive re-articulation. Or, it wagers that one can repeat at the postmodern level the classical Marxist gesture of enacting the 'determinate negation' of capitalism: with today's rise of 'cognitive work', the contradiction between social production and capitalist relations has become starker than ever, rendering possible for the first time 'absolute democracy' (this would be Hardt and Negri's position). These positions are not presented as a way of avoiding some 'true' radical Left politics - what they are trying to get around is, indeed, the lack of such a position. This defeat of the Left is not the whole story of the last thirty years, however. There is another, no less surprising, lesson to be learned from the Chinese Communists' presiding over arguably the most explosive development of capitalism in history, and from the growth of West European Third Way social democracy. It is, in short: we can do it better. In the UK, the Thatcher revolution was, at the time, chaotic and impulsive, marked by unpredictable contingencies. It was Tony Blair who was able to institutionalise it, or, in Hegel's terms, to raise (what first appeared as) a contingency, a historical accident, into a necessity. Thatcher wasn't a Thatcherite, she was merely herself; it was Blair (more than Major) who truly gave form to Thatcherism. The response of some critics on the postmodern Left to this predicament is to call for a new politics of resistance. Those who still insist on fighting state power, let alone seizing it, are accused of remaining stuck within the 'old paradigm': the task today, their critics say, is to resist state power by withdrawing from its terrain and creating new spaces outside its control. This is, of course, the obverse of accepting the triumph of capitalism. The politics of resistance is nothing but the moralising supplement to a Third Way Left. Simon Critchley's recent book, Infinitely Demanding, is an almost perfect embodiment of this position. For Critchley, the liberal-democratic state is here to stay. Attempts to abolish the state failed miserably; consequently, the new politics has to be located at a distance from it: anti-war movements, ecological organisations, groups protesting against racist or sexist abuses, and other forms of local self-organisation. It must be a politics of resistance to the state, of bombarding the state with impossible demands, of denouncing the limitations of state mechanisms. The main argument for conducting the politics of resistance at a distance from the state hinges on the ethical dimension of the 'infinitely demanding' call for justice: no state can heed this call, since its ultimate goal is the 'real-political' one of ensuring its own reproduction (its economic growth, public safety, etc). 'Of course,' Critchley writes, history is habitually written by the people with the guns and sticks and one cannot expect to defeat them with mocking satire and feather dusters. Yet, as the history of ultra-leftist active nihilism eloquently shows, one is lost the moment one picks up the guns and sticks. Anarchic political resistance should not seek to mimic and mirror the archic violent sovereignty it opposes. So what should, say, the US Democrats do? Stop competing for state power and withdraw to the interstices of the state, leaving state power to the Republicans and start a campaign of anarchic resistance to it? And what would Critchley do if he were facing an adversary like Hitler? Surely in such a case one should 'mimic and mirror the archic violent sovereignty' one opposes? Shouldn't the Left draw a distinction between the circumstances in which one would resort to violence in confronting the state, and those in which all one can and should do is use 'mocking satire and feather dusters'? The ambiguity of Critchley's position resides in a strange non sequitur: if the state is here to stay, if it is impossible to abolish it (or capitalism), why retreat from it? Why not act with(in) the state? Why not accept the basic premise of the Third Way? Why limit oneself to a politics which, as Critchley puts it, 'calls the state into question and calls the established order to account, not in order to do away with the state, desirable though that might well be in some utopian sense, but in order to better it or attenuate its malicious effect'? These words simply demonstrate that today's liberal-democratic state and the dream of an 'infinitely demanding' anarchic politics exist in a relationship of mutual parasitism: anarchic agents do the ethical thinking, and the state does the work of running and regulating society. Critchley's anarchic ethico-political agent acts like a superego, comfortably bombarding the state with demands; and the more the state tries to satisfy these demands, the more guilty it is seen to be. In compliance with this logic, the anarchic agents focus their protest not on open dictatorships, but on the hypocrisy of liberal democracies, who are accused of betraying their own professed principles. The big demonstrations in London and Washington against the US attack on Iraq a few years ago offer an exemplary case of this strange symbiotic relationship between power and resistance. Their paradoxical outcome was that both sides were satisfied. The protesters saved their beautiful souls: they made it clear that they don't agree with the government's policy on Iraq. Those in power calmly accepted it, even profited from it: not only did the protests in no way prevent the already-made decision to attack Iraq; they also served to legitimise it. Thus George Bush's reaction to mass demonstrations protesting his visit to London, in effect: 'You see, this is what we are fighting for, so that what people are doing here - protesting against their government policy - will be possible also in Iraq!' It is striking that the course on which Hugo Chávez has embarked since 2006 is the exact opposite of the one chosen by the postmodern Left: far from resisting state power, he grabbed it (first by an attempted coup, then democratically), ruthlessly using the Venezuelan state apparatuses to promote his goals. Furthermore, he is militarising the barrios, and organising the training of armed units there. And, the ultimate scare: now that he is feeling the economic effects of capital's 'resistance' to his rule (temporary shortages of some goods in the state-subsidised supermarkets), he has announced plans to consolidate the 24 parties that support him into a single party. Even some of his allies are sceptical about this move: will it come at the expense of the popular movements that have given the Venezuelan revolution its élan? However, this choice, though risky, should be fully endorsed: the task is to make the new party function not as a typical state socialist (or Peronist) party, but as a vehicle for the mobilisation of new forms of politics (like the grass roots slum committees). What should we say to someone like Chávez? 'No, do not grab state power, just withdraw, leave the state and the current situation in place'? Chávez is often dismissed as a clown - but wouldn't such a withdrawal just reduce him to a version of Subcomandante Marcos, whom many Mexican leftists now refer to as 'Subcomediante Marcos'? Today, it is the great capitalists - Bill Gates, corporate polluters, fox hunters - who 'resist' the state. The lesson here is that the truly subversive thing is not to insist on 'infinite' demands we know those in power cannot fulfil. Since they know that we know it, such an 'infinitely demanding' attitude presents no problem for those in power: 'So wonderful that, with your critical demands, you remind us what kind of world we would all like to live in. Unfortunately, we live in the real world, where we have to make do with what is possible.' The thing to do is, on the contrary, to bombard those in power with strategically well-selected, precise, finite demands, which can't be met with the same excuse.

#### Critique is useless without a concrete policy option that solves for your harms.

Bryant 12 Levi Bryant (Professor of Philosophy at Collin College) “A Critique of the Academic Left” 2012 <https://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/> JW

Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignor[es]ing how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows: Phase 1: Ultra-Radical Critique Phase 2: ? Phase 3: Revolution and complete social transformation! Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express [critiques] them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc.

# 1AR

### Mult Shells/No RVI/C-I Bad

A. Interpretation: the neg may not read multiple theory shells, deny the aff an RVI, and deny reasonability.

B. Violation:

C. Standards

1. Ground. I have to answer all the theory shells you read in the 1AR which is already difficult because of the neg’s 746 time advantage. I also have to answer substance because your denial of the RVI makes it so that beating back theory isn’t sufficient. The 2NR also gets to collapse to one shell and do amazing weighing for six minutes comparing it to my shells which is a reason why 1AR theory doesn’t solve. Moreover, the 1AR is too short to read new shells and answer yours without making concessions that will cost me the theory debate. Reasonability would solve the harms because I can quickly deal with theory by proving that I meet a certain brightline rather than justifying a counter interp and weighing it against your interp. Strongest link to fairness because you make a strategic 1AR functionally impossible. And, granting me these paradigm issues now doesn’t solve because I was forced to form a 1AR strat based on the arguments you made in the 1NC.

2. Clash. Focusing on the interp and counter interp of one shell ensures a nuanced theory debate over the benefits of certain debate practices. Spreading ourselves thin by discussing multiple shells makes the debate focused on dropped blips rather than clash. This hijacks the internal links to your competing interps warrants because we can set better norms for the activity so it preserves fairness and education.

D. Cross apply their voter-meta theory comes first. A. it’s a prerequisite to evaluating your shells since I indict your ability to read them in the first place B. theoretical abuse is worse than substantive abuse because theory is on a higher layer and determines the ballot decisively whereas one can deal with losing arguments on substance by going for other arguments.

## T

### C/I

Counter interp: debaters may specify a type of handguns to ban at the TOC. I meet. Reasons to prefer:

1. Depth- focusing the debate on a specific model forces nuanced argumentation about the aff harms without talking past each other and weighing between different kinds of offense- that’s key to education since there’s no point in spreading ourselves thin on a policy we’ve been debating for four months already- also means that spec is key at TOC because its our last chance to argue and we’ve already gotten topic education from the whole res.

2. Aff flex- letting the aff pick the area of the debate checks back against neg reactivity and 7-4-6 speech advantage. Giving me more ground to argue levels the playing field- that impact turns your fairness args.

3. No abuse- all of your generics apply. NCs, Ks, politics, and gun control counterplans would still link to the aff. You also get self-defense turns and any reason why guns are a good thing. Existence of cards in the lit proves you could have just done research.

### A2 Predictability/Research Burdens

1. The plan’s in the lit- that proves you should have done more research.

2. Generics solve- no reason you need hyper specific offense

3. T- doing more research is good, it increases our knowledge of policies.

4. T- unpredictability is key to education since you have to critically think about the aff instead of just reading backfiles.

### A2 Textuality

1. Spec is textual- the res says “private ownership of handguns,” not all handguns. The aff is a ban on handguns, it’s just a group of them.

2. Let me weigh internal links from other standards- text is only good because it creates fairness and education- if I win strong defense then prefer my offense.

3. People read plans all the time in LD so I’m consistent with a community interpretation of the res- common usage determines how words are applied in specific contexts so this outweighs.

## Shell 2

Counter interp: debaters can break undisclosed plans at the TOC if he didn’t ask for the plan text.

## Shell 3

1. this is just a counter interp- it says that the model I’ve proposed is wrong, but that doesn’t mean is should lose. Otherwise debaters would lose for proposing wrong frameworks and theory models.

2. it’s a quick argument and easy to answer- doesn’t generate a huge abuse story and you caught it in this round which proves no abuse.

1. http://www.merriam-webster.com/dictionary/negate [↑](#footnote-ref-1)